

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x 07 Civ. 10538 (SCR)  
FORDYCE PYE,

Plaintiff,

-against-

**ANSWER**

JEFFREY C. COLEMAN, individually, in his  
capacity as Commissioner of Public Works for the  
City of New Rochelle, and THE CITY OF NEW  
ROCHELLE, New York,

Defendants.

-----x

Defendants City of New Rochelle (the "City") and Jeffrey C. Coleman, by their  
attorneys Wilson, Elser, Moskowitz, Edelman & Dicker LLP, for their answer to the  
complaint allege as follows:

1. Deny knowledge or information sufficient to form a belief as to the truth  
of the allegations contained in ¶ 1 of the complaint.
2. Deny knowledge or information sufficient to form a belief as to the truth  
of the allegations contained in ¶ 2 of the complaint, and respectfully refer all questions of  
law to the Court.
3. Deny knowledge or information sufficient to form a belief as to the truth  
of the allegations contained in ¶ 3 of the complaint, except admit that plaintiff was  
employed by the City.
4. Deny knowledge or information sufficient to form a belief as to the truth  
of the allegations contained in ¶ 4, except admit that Jeffrey C. Coleman is the  
Commissioner of Public Works of the City of New Rochelle.

5. Deny the truth of the allegations contained in ¶ 5 of the complaint, except admit that the City of New Rochelle is a municipal corporation existing under the laws of the state of New York.

6. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 6 of the complaint, except admit that the City of New Rochelle has guidelines for the random testing of certain City employees.

7. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 7 of the complaint, and respectfully refer all questions of law to the Court.

8. Deny the truth of the allegations contained in ¶ 8 of the complaint, except admit that the City employed an independent contractor in reference to its random testing policy and deny knowledge or information sufficient to form a belief as to the truth of any allegations concerning actions taken by the independent contractor.

9. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 9 of the complaint.

10. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 10 of the complaint.

11. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 11 of the complaint.

12. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 12 of the complaint.

13. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 13 of the complaint.

14. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 14 of the complaint.

15. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 15 of the complaint, except admit that the defendants were notified that plaintiff tested positive for cocaine.

16. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 16 of the complaint, except admit that plaintiff claims that certain tests taken at a later date were negative.

17. Deny the truth of the allegations contained in ¶ 17 of the complaint, except admit that disciplinary charges were preferred against the plaintiff.

18. Deny the truth of the allegations contained in ¶ 18 of the complaint, except admit that the disciplinary charges were prosecuted and are pending.

19. Deny the truth of the allegations contained in ¶ 19 of the complaint.

20. The defendants repeat and reallege, as if fully set forth, the responses contained in ¶¶ 1-19 above.

21. Deny the truth of the allegations contained in ¶ 21 of the complaint.

**AS AND FOR A FIRST  
AFFIRMATIVE DEFENSE**

22. Defendant Jeffrey C. Coleman is protected by the doctrine of qualified immunity.

**AS AND FOR A SECOND  
AFFIRMATIVE DEFENSE**

23. Defendant Jeffrey C. Coleman is protected by the doctrine of absolute immunity.

**AS AND FOR A THIRD  
AFFIRMATIVE DEFENSE**

24. Plaintiff fails to state a cause of action for which this Court may grant relief.

**AS AND FOR A FOURTH  
AFFIRMATIVE DEFENSE**

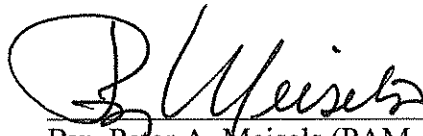
25. Plaintiff failed to exhaust his administrative remedies.

WHEREFORE, a judgment is respectfully demanded:

- s) dismissing the complaint; and
- b) awarding to the defendants the costs, expenses, disbursements and attorneys' fees incurred in the defense of this action.

Dated: White Plains, NY  
December 20, 2007

WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP  
Attorneys for Defendants

A handwritten signature in black ink, appearing to read 'P. Meisels', is written over a horizontal line.

By: Peter A. Meisels (PAM-5018)

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